IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Crl.MC.No. 5189 of 2003()

CC.1077/1999 of JUDL.MAGISTRATE OF FIRST CLASS, MUVATTUPUZHA

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PETITIONER:

POULOSE P.V., AGED 54,
S/O. VARGHESE, PONGOOR VEETTIL, MARADY VILLAGE,
S.MARADY KARA, MUVATTUPUZHA, ERNAKULAM DIST.

BY ADV. SMT.AYSHA YOUSEFF
SRI.BENNY VARGHESE

RESPONDENTS:

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1. P.J.JOHNSON, AGED ABOUT 44 YEARS,
PARUNTHUMMAKIL, ARAKKUZHA VILLAGE,
MEMKUNNAM KARA, MUVATTUPUZHA.

2. STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR, ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH
SRI.P.V.ALIAS (NO VAKALATH)

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl. M.C.No.5189 of 2003-C

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Dated this the 14th day of November, 2007

O R D E R

The petitioner is the complainant in C.C.No.1077/1999 in the file of the Judicial Magistrate of the First Class, Muvattupuzha. He has sought for getting quashed the order of the court below directing him to file Execution Petition before the Sub Court under Section 21 of the Legal Service Authorities Act. According to the petitioner he was deceived by the misrepresentation on the part of the accused that the amount shall be paid on or before 30/06/2003. Annexure A2 is the award of the Lok Adalath as per which the matter was settled on payment of Rs.15,000/- which shall be paid on or before 30/06/2003. Evidently, the order of the adalath is defective as the matter has not been settled as such in the absence of payment. In the circumstances the order of the court below is set aside. The court below is directed to further proceed with the matter and adjudicate and dispose of C.C.No.1077/1999 on merits. The parties shall appear before the court below on 18/12/1999. The Crl.M.C is disposed of as above.

K.R.UDAYABHANU,
Judge

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